

2000.615 USD1

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THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:
Min WAN et al.

Serial No.: 10/698,238

Filing Date: October 31, 2003

For: METHODS FOR REMOVING SUSPENDED
PARTICLES FROM SOLUBLE PROTEIN
SOLUTIONS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Docket: 2000.615 USD1

Group Art Unit: 1654

Examiner: David Lukton

CERTIFICATE OF FACSIMILE TRANSMISSION
I hereby certify that the attached correspondence
(12 sheets) is being faxed to 571-273-8300 to the
Commissioner for Patents

on June 15, 2006

Christina Cangelosi
Christina Cangelosi

REPLY TO SPECIES ELECTION REQUIREMENT AND PROVISIONAL ELECTION

Dear Sir:

Applicants respectfully traverse the Species Election Requirement issued May 16, 2006, for the above-identified application. Particularly, Applicants traverse this election requirement because **there is no stated reason for the species election.** This species election appears to be entirely at the whim of the Examiner and without any cause in US law or USPTO procedure. The undersigned attorney directs the Examiner to MPEP §809.02(a), where step (B) of establishing a species election requires the Examiner to "[p]rovide reasons why the species are independent or distinct." Accordingly, this species requirement is improper and should be withdrawn.

The undersigned attorney does not entirely understand the form of this species election requirement, which appears to be a decision tree, requiring the election of particular limitations among various dependent claims, and not the election of a particular species. See MPEP §809.02(a), again, for the requirement that species should be determined by the examples present in an application.

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Should the above traverses of the species election be fully considered and not found persuasive, Applicants provisionally request election of the species of Example 1 found on pages 10-13 of the specification. In the event that the species of Example 1 is refused as an election, applicants elect, with traverse, the following "species", as defined by the Examiner: a) the protein solution comprises SEQ ID NO:1; b) a filter press is used; c) the bacterial species in which SEQ ID NO:1 was expressed is *E. coli*; d) the proteins are not further purified. Claims 24 and 26 – 39 appear to read on this "species" as defined by the Examiner.

Respectfully submitted,



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